

**AMENDED ORDER OF THE STATE BOARD
OF REGISTRATION FOR THE HEALING ARTS REGARDING ISSUANCE
OF A PROBATED LICENSE TO JOHN R. SUCHOMEL, M.D.**

Comes now the State Board of Registration for the Healing Arts (the "Board") and hereby issues its ORDER granting a PROBATED license, license no. 2004030603, to John R. Suchomel ("Dr. Suchomel") pursuant to the provisions of §334.100.1, RSMo. As set forth in §334.100.1, RSMo, either the Board or Dr. Suchomel may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the Board's decision to issue a probated license to Dr. Suchomel. Such written request must be submitted to the Administrative Hearing Commission within thirty (30) days of issuance of this Order. The written request should be addressed to the Administrative Hearing Commission, P.O. Box 1557, Truman Building Rm. 604, Jefferson City, MO 65102-1557. If no written request for review is received by the Administrative Hearing Commission within the thirty (30) day period, the right to seek review of the Board's decision shall be considered as waived.

I.

STATEMENT OF FACTS AND BASIS FOR DECISION

1. The State Board of Registration for the Healing Arts (the "Board") is an agency of the State of Missouri created and established pursuant to the provisions of § 334.120, RSMo, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. On or about June 2, 1994, Dr. Suchomel entered Talbot Recovery Center for the treatment of alcohol dependence. After four months of treatment, Dr. Suchomel was discharged with a diagnosis of alcohol dependence.

3. In or about February, 1996, Dr. Suchomel relapsed and subsequently was convicted of operating a motor vehicle under the influence of liquor.

4. On or about October 10, 1997, Dr. Suchomel was convicted of operating a motor vehicle under the influence of liquor.

5. On or about April 8, 1998, Dr. Suchomel's license to practice medicine was summarily suspended by the Michigan Board of Medicine. On or about June 9, 1998, the suspension was dissolved.

6. On or about December 15, 1998, Dr. Suchomel's license to practice medicine was placed on probation by the Michigan Board of Medicine.

7. Cause exists for the Board to deny Dr. Suchomel's request for a license to practice the healing arts pursuant to the provisions of §334.100.1 and .2 (1) and (8) RSMo, which provide:

1. The board may refuse to issue or renew any certificate of registration or authority, permit or license required pursuant to this chapter for one or any combination of causes stated in subsection 2 of this section. The board shall notify the applicant in writing of the reasons for the refusal and shall advise the applicant of his right to file a complaint with the administrative hearing commission as provided by chapter 621, RSMo. As an alternative to a refusal to issue or renew any certificate, registration or authority, the board may, at its discretion, issue a license which is subject to probation, restriction or limitation to an applicant for licensure for any one or any combination of causes stated in subsection 2 of this section. The board's order of probation, limitation or restriction shall contain a statement of the discipline imposed, the basis therefore, the date such action shall become effective, and a statement that the applicant has thirty days to request in writing

a hearing before the administrative hearing commission. If the board issues a probationary, limited or restricted license to an applicant for licensure, either party may file a written petition with the administrative hearing commission within thirty days of the effective date of the probationary, limited or restricted license seeking review of the board's determination. If no written request for a hearing is received by the administrative hearing commission within the thirty-day period, the right to seek review of the board's decision shall be considered as waived.

2. The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

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(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

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8. The Board hereby issues Dr. Suchomel a PROBATED LICENSE in lieu of denial of his request for a license to practice the Healing Arts in Missouri. Such license is issued subject to the terms and conditions set forth herein below.

II.

TERMS AND CONDITIONS

9. License no. 2004030603 is hereby issued subject to PROBATION for a period of SEVEN (7) YEARS (the "disciplinary period"). During the disciplinary period Dr. Suchomel shall be entitled to engage in the practice of medicine under Chapter 334, RSMo, provided he adheres to all of the terms of this Order.

10. At all times during the disciplinary period, Dr. Suchomel shall participate in the MAOPS Physicians Health Program, the Missouri Physicians Health Program, or another chemical dependency treatment program as approved by the Board. Dr. Suchomel shall follow all recommendations for treatment and/or aftercare made by said program, and shall comply with each and every requirement to remain in the program. Within fifteen (15) days of the effective date of this Order, Dr. Suchomel shall cause the program in which he is participating to send written notification to the Board confirming Dr. Suchomel's participation in the program.

11. During the disciplinary period, Dr. Suchomel shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Dr. Suchomel's discipline.

12. During the disciplinary period, Dr. Suchomel shall, at Dr. Suchomel's cost, submit to biological fluid testing as required by the State Board of Registration for the Healing Arts. Dr. Suchomel shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid samples and shall cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any drug or a prescription drug not supported by a valid prescription or by a prescription documentation of which has not been forwarded to the Board as provided in this Order shall constitute a violation of Dr. Suchomel's discipline.

13. During the disciplinary period, Dr. Suchomel shall cause a letter of evaluation from the chemical dependency professional or from the rehabilitation or aftercare program to be submitted to the Board no later than January 1, April 1, July 1, and October 1. The letter shall include an evaluation of Dr. Suchomel's current status in the treatment, including Dr. Suchomel's compliance with all the recommendations for treatment, and the current prognosis.

14. Within ten (10) days of the effective date of this Order, Dr. Suchomel shall execute and deliver to the Board a written medical release(s) or other appropriate release(s) which shall cover the entire period of this Order authorizing the State Board of Registration for the Healing Arts to obtain records of Dr. Suchomel's treatment for chemical dependency. Dr. Suchomel shall not take any action to cancel the release(s) and shall take whatever

actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

15. If the treatment of Dr. Suchomel is successfully completed during the disciplinary period, Dr. Suchomel shall cause the treating chemical dependency professional or director of the chemical dependency treatment program to submit a letter of evaluation to the Board stating that Dr. Suchomel has successfully completed treatment and the arrangements for appropriate follow-up or aftercare. Dr. Suchomel shall follow all recommendations for follow-up and/or aftercare and shall document compliance with all such recommendations.

16. During the disciplinary period, Dr. Suchomel shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

17. During the disciplinary period, Dr. Suchomel shall keep the Board informed of her current work and home telephone numbers and addresses. Dr. Suchomel shall notify the Board in writing within ten (10) days of any change in this information.

18. During the disciplinary period, Dr. Suchomel shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain her license in a current and active state.

19. During the disciplinary period, Dr. Suchomel shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Order.

20. During the disciplinary period, Dr. Suchomel shall appear in person for interviews with the Board or its designee upon request.

21. Dr. Suchomel shall notify, in writing, the medical licensing authorities of the jurisdiction in which he is residing or practicing, by no later than the day before the beginning of the disciplinary period, of Dr. Suchomel's disciplinary status in Missouri. Dr. Suchomel shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. In the event Dr. Suchomel should leave Missouri to reside or practice medicine outside the state during the disciplinary period, Dr. Suchomel shall notify the Board in writing of the dates of departure and return no later than ten (10) days before Dr. Suchomel's departure. Furthermore, Dr. Suchomel shall, no later than ten (10) days after the commencement of any residence or practice outside this state, notify in writing the medical licensing authorities in the jurisdiction in which Dr. Suchomel is residing or practicing of Dr. Suchomel's disciplinary status in Missouri.

22. Dr. Suchomel shall notify, within fifteen (15) days of the effective date of this Order or within fifteen (15) days of his affiliation with such organization, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Dr. Suchomel practices or has privileges of Dr. Suchomel's disciplinary status. Notification shall

be in writing and Dr. Suchomel shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

23. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Order shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

24. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Dr. Suchomel not specifically mentioned in this document.

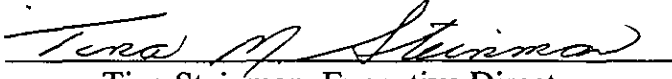
25. Upon the expiration of the disciplinary period, Dr. Suchomel's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Board of Registration for the Healing Arts determines that Dr. Suchomel has violated any term or condition of this Order, the Board may in its discretion, vacate this Order and impose such further discipline as the Board shall deem appropriate.

26. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Order occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as

soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Dr. Suchomel agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

27. If the Board determines that Dr. Suchomel has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the Board may elect to pursue any lawful remedies afforded it and is not bound by this Order in its election of remedies concerning that violation.

SO ORDERED EFFECTIVE THIS 17th DAY OF NOVEMBER, 2004.


Tina Steinman, Executive Director
State Board of Registration for the Healing Arts

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(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic beverage to an extent that such use impairs a person's ability to perform the work of any profession licensed or regulated by this chapter;

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(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

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8. The Board hereby issues Dr. Suchomel a PROBATED LICENSE in lieu of denial of his request for a license to practice the Healing Arts in Missouri. Such license is issued subject to the terms and conditions set forth herein below.

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11. During the disciplinary period, Dr. Suchomel shall abstain completely from the use or consumption of alcohol. The presence of any alcohol whatsoever in a biological fluid sample shall constitute a violation of Dr. Suchomel's discipline.

12. During the disciplinary period, Dr. Suchomel shall, at Dr. Suchomel's cost, submit to biological fluid testing as required by the State Board of Registration for the Healing Arts. Dr. Suchomel shall, upon demand and without delay, allow the Board's designated representative to obtain witnessed biological fluid samples and shall cooperate fully and completely with the Board's designated representative in providing such samples. The presence of any drug or a prescription drug not supported by a valid prescription or by a prescription documentation of which has not been forwarded to the Board as provided in this Order shall constitute a violation of Dr. Suchomel's discipline.

13. During the disciplinary period, Dr. Suchomel shall cause a letter of evaluation from the chemical dependency professional or from the rehabilitation or aftercare program to be submitted to the Board no later than January 1, April 1, July 1, and October 1. The letter shall include an evaluation of Dr. Suchomel's current status in the treatment, including Dr. Suchomel's compliance with all the recommendations for treatment, and the current prognosis.

14. Within ten (10) days of the effective date of this Order, Dr. Suchomel shall execute and deliver to the Board a written medical release(s) or other appropriate release(s) which shall cover the entire period of this Order authorizing the State Board of Registration for the Healing Arts to obtain records of Dr. Suchomel's treatment for chemical dependency. Dr. Suchomel shall not take any action to cancel the release(s) and shall take whatever

actions are necessary to ensure that the release(s) remain in full force and effect throughout the disciplinary period.

15. If the treatment of Dr. Suchomel is successfully completed during the disciplinary period, Dr. Suchomel shall cause the treating chemical dependency professional or director of the chemical dependency treatment program to submit a letter of evaluation to the Board stating that Dr. Suchomel has successfully completed treatment and the arrangements for appropriate follow-up or aftercare. Dr. Suchomel shall follow all recommendations for follow-up and/or aftercare and shall document compliance with all such recommendations.

16. During the disciplinary period, Dr. Suchomel shall comply with all provisions of Chapters 334 and 195, RSMo; all the regulations of the Board; all applicable federal and state drug laws, rules, and regulations; and all federal and state laws. State here includes all states and territories of the United States.

17. During the disciplinary period, Dr. Suchomel shall keep the Board informed of her current work and home telephone numbers and addresses. Dr. Suchomel shall notify the Board in writing within ten (10) days of any change in this information.

18. During the disciplinary period, Dr. Suchomel shall timely renew his license and timely pay all fees required for licensing and comply with all other Board requirements necessary to maintain her license in a current and active state.

19. During the disciplinary period, Dr. Suchomel shall accept and comply with unannounced visits from the Board's representatives to monitor his compliance with the terms and conditions of this disciplinary Order.

20. During the disciplinary period, Dr. Suchomel shall appear in person for interviews with the Board or its designee upon request.

21. Dr. Suchomel shall submit written reports to the Board by no later than January 1, April 1, July 1, and October 1 during each year of the disciplinary period on forms provided by the Board, stating truthfully whether there has been compliance with all the conditions of this Order. It is Dr. Suchomel's responsibility to see that the reports are submitted. Failure of the Board to provide the reporting forms shall not relieve Dr. Suchomel of the obligation to make the required reports.

22. Dr. Suchomel shall notify, in writing, the medical licensing authorities of the jurisdiction in which he is residing or practicing, by no later than the day before the beginning of the disciplinary period, of Dr. Suchomel's disciplinary status in Missouri. Dr. Suchomel shall forward a copy of this written notice to the Board contemporaneously with sending it to the relevant licensing authority. In the event Dr. Suchomel should leave Missouri to reside or practice medicine outside the state during the disciplinary period, Dr. Suchomel shall notify the Board in writing of the dates of departure and return no later than ten (10) days before Dr. Suchomel's departure. Furthermore, Dr. Suchomel shall, no later than ten (10) days after the commencement of any residence or practice outside this state,

notify in writing the medical licensing authorities in the jurisdiction in which Dr. Suchomel is residing or practicing of Dr. Suchomel's disciplinary status in Missouri.

23. Dr. Suchomel shall notify, within fifteen (15) days of the effective date of this Order or within fifteen (15) days of his affiliation with such organization, all hospitals, nursing homes, out-patient centers, surgical centers, clinics, and all other facilities where Dr. Suchomel practices or has privileges of Dr. Suchomel's disciplinary status. Notification shall be in writing and Dr. Suchomel shall, contemporaneously with the giving of such notice, submit a copy of the notice to the Board for verification by the Board or its designated representative.

24. For purposes of this Order, unless otherwise specified in this Order, all reports, documentation, evaluations, notices, or other materials required to be submitted to the Board in this Order shall be forwarded to the State Board of Registration for the Healing Arts, Attention: Investigations, P.O. Box 4, Jefferson City, Missouri 65102.

25. This Order does not bind the Board or restrict the remedies available to it concerning any other violation of Chapter 334, RSMo, by Dr. Suchomel not specifically mentioned in this document.


26. Upon the expiration of the disciplinary period, Dr. Suchomel's license shall be fully restored if all requirements of law have been satisfied; provided however, that in the event the State Board of Registration for the Healing Arts determines that Dr. Suchomel has

violated any term or condition of this Order, the Board may in its discretion, vacate this Order and impose such further discipline as the Board shall deem appropriate.

27. No additional order shall be entered by this Board pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before this Board as a contested case in accordance with the provisions of Chapter 536, RSMo. If any alleged violation of this Order occurred during the disciplinary period, the parties agree that the Board may choose to conduct a hearing before it either during the disciplinary period, or as soon thereafter as a hearing can be held, to determine whether a violation occurred and, if so, may impose further disciplinary action. Dr. Suchomel agrees and stipulates that the Board has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred.

28. If the Board determines that Dr. Suchomel has violated a term or condition of the disciplinary period which violation would also be actionable in a proceeding before the Administrative Hearing Commission or in the circuit court, the Board may elect to pursue any lawful remedies afforded it and is not bound by this Order in its election of remedies concerning that violation.

SO ORDERED EFFECTIVE THIS 27 DAY OF October, 2004.


Tina Steinman, Executive Director
State Board of Registration for the Healing Arts